

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, AUGUST 12, 2019 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR LAZENBY, COUNCILORS ROBERTS, PEARSON, DWYER, DENTON, PERKINS, RAYNOLDS AND BECKSTED

1. At 6:15p.m. an Anticipated Non-Public Session was held in Accordance with RSA 91-A:3, II (a) regarding Collective Bargain for the Police Patrolman's Union, Police Civilian Employees Association, Portsmouth Police Ranking Officers and Police Chief Salary Adjustment.
2. Presentation – Keno & Sports Betting – Kelley-Jaye Cleland, Director of Sales – This presentation included information relative to Keno. There was no discussion on Sports Betting.
3. Acceptance of Minutes – July 15, 2019 – **Voted** to accept and approve the minutes of the July 15, 2019 City Council meeting.
4. **Voted** to suspend the rules to take up Items XIII. A.1. – Request for Approval of Agreement between the Portsmouth School Board and Association of Portsmouth Teachers, XV. C. – Redevelopment Proposal for the McIntyre Project from Carlisle Capital, XI. B.1. – Resolution/Certificate of Authority to Apply to Acquire the Thomas J. McIntyre property for Historic Monument Purposes and XI. B.2. – Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC following the Public Comment Session.
5. Public Comment Session – There were 30 speakers: Jennifer Pearl, Catie Medeiros, Bob Marchewka, Andrew Fleisher, Jill Mcfarland, Bernie Mulligan, Bill Binnie, Paul McEachern, Peter Weeks, Paige Trace, Deaglan McEachern, Michael Simchik, Tim Montiminy, Martha Fuller Clark, Johanna Soris, Christina Lusky, Jeffrey Cooper, Esther Kennedy, Peter Somssich, Paul Mannle, Bill Downey, Fernando Amato and Scott McQuade (McIntyre); George Remick, Michal Griffin, Eli Sokorelis, John Mikolajcyk, Sean Sullivan, Aaron Jones and Paul Lessard (Keno).
6. Keno – **Voted** that the following referendum question be placed on the ballot for the regular municipal election to be held on November 5, 2019;

Shall we allow the operation of KENO games within the City of Portsmouth?

Further, that a public hearing be held by the City Council on the question at least 15 days but not more than 30 days before the question is to be voted on and that the public hearing be noticed as required by RSA 284:51.

7. Request for Approval of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers – On a roll call 8-1, **voted** to accept the proposed Three (3) Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers from July 1, 2019 to expire on June 30, 2022. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Denton, Perkins, Raynolds, Becksted and Mayor Blalock voted in favor. Councilor Dwyer voted opposed.
8. Redevelopment Proposal for the McIntyre Project from Carlisle Capital – On a roll call 8-1, **voted** to refer the redevelopment proposal to the McIntyre Subcommittee. Assistant Mayor Lazenby, Councilor Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.
9. Resolution/Certificate of Authority to Apply to Acquire the Thomas J. McIntyre property for Historic Monument Purposes – Moved to adopt the resolution, as presented, and authorize the City Manager to carry out the resolution.

On a roll call vote 2-7, motion to amend and postpone the vote for the next 60 days for the experts to review **failed** to pass. Councilors Raynolds and Becksted voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins and Mayor Blalock voted opposed.

On a roll call 8-1, **voted** to pass main motion. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

10. Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC – On a roll call 8-1, **voted** to authorize the City Manager to execute a Development Agreement with SoBow Square, LLC regarding redevelopment of the McIntyre building that disallows a hotel in substantial conformance with the Agreement presented to the Council this evening. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.
11. Public Hearing/Second Reading of Ordinance amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours – Raynes Avenue: Entire Street, Both Sides and Vaughan Street: Entire Street, Both Sides – Held a public hearing. **Voted** to pass second reading and hold third and final reading at the September 3, 2019 City Council meeting.

12. First reading of Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables – Moved to pass first reading and schedule a public hearing and second reading at the September 3, 2019 City Council meeting.

Voted to postpone first reading until September 3, 2019. Councilor Becksted voted opposed.

13. First reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes – by deletion of Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street – **Voted** to pass first reading and schedule a public hearing and second reading at the September 3, 2019 City Council meeting.

14. First reading of Ordinance amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three hours Maplewood Avenue: both sides, between Raynes Avenue and Vaughan Street – **Voted** to pass first reading and schedule a public hearing and second reading at the September 3, 2019 City Council meeting.

15. Third and Final Reading on Proposed Parking & Traffic Safety Omnibus - Moved to pass third and final reading, as presented.

Voted to suspend the rules to allow the ordinance to be amended at third reading.

Voted to reverse the previous City Council vote to remove the provision on Hill Street from the Parking Omnibus. Councilor Becksted voted opposed.

Voted to pass the main motion as amended.

- Ordinance amending Chapter 7, Article III, Traffic Ordinance, Section 7.330: No Parking
- Ordinance amending Chapter 7, Article III, Traffic Ordinance, Section 7.336: One-Way Streets
- Ordinance amending Chapter 7, Article V – Bicycle Regulations, Section 7.510: Unattended Bicycles
- Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.601: Limited Hours
- Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.602: 24-Hour

- Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.603: Loading/Unloading of Live Parked Vehicles
 - Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.604: Loading Zone Permits
 - Ordinance amending Chapter 7, Article XI – Speed Limits, Section 7.1100: Speed Limits - 25 MPH – Dodge Avenue
 - Ordinance amending Chapter 7, Article XVII – Moped Regulations, Section 7.1702: Parking
16. Appointment to be Considered – Pat Bagley to be appointed to the Trees and Greenery Committee – The City Council considered the appointment of Pat Bagley to the Trees and Greenery Committee to be voted on at the September 3, 2019 City Council meeting.
 17. PFAS and Drinking Water Standards – Voted to request a report back regarding new NHDES Standards for PFAS and Drinking Water Standards.
 18. Discount Program for Foundry Garage – Councilor Roberts advised the City Council he would be bringing this matter back at the September 3, 2019 meeting for action.
 19. Contact Information – The City Council agreed to refer this matter to City Manager Bohenko and City Clerk Barnaby to bring back with a recommendation at the September 3, 2019 City Council meeting.
 20. Acceptance of Donation to the Coalition Legal Fund – Town of Carroll - \$2,000.00 – **Voted** to approve and accept the donation, as listed, to be placed in the Coalition Fund.
 21. Approval of Grant and Donations – ICAC Forensic Shield Grant Agreement & Acceptance of Donation from Police Chaplain Jeff Pelkey to the Portsmouth Police K-9 Program in the amount of \$1,000.00 – **Voted** to accept and approve the ICAC Forensic Shield Grant Agreement and the donation from Police Chaplain Jeff Pelkey to the Portsmouth Police K-9 Program in the amount of \$1,000.00.
 22. City Manager’s Consent Items - **Voted** to adopt the City Manager’s Consent Items.

- Request for Approval of Agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators (**Sample motion – move to accept the proposed Three (3) Year Agreement between the City of Portsmouth and the Association of Portsmouth School Administrators from July 1, 2019 to expires on June 30, 2022**)
 - Request for Approval of Agreement with Portsmouth Management Association (**Sample motion – move to accept the proposed contract with the Professional Management Association for a three (3) year Agreement from July 1, 2019 to expire on June 30, 2022**)
 - Easement Re: 46-64 Maplewood Avenue (**Sample motion – move that the City Manager be authorized to negotiate, execute, accept and record any necessary documents similar to those contained in the City Council Packet that are required to complete the development at 46-64 Maplewood Avenue in accordance with the HDC's Conditional Use Permit and the Site Plan Approved by the Planning Board or as amended and approved administratively by the Planning Director**)
23. Request to Waive Fees Re: Portsmouth Housing Authority Court Street Workforce Housing Project – **Voted** to grant a waiver to PHA Housing Development Ltd. or its assigns for the purpose of developing an affordable housing project at 160 Court Street. Councilor Becksted voted opposed.
24. Proposed Cate Street Land Swap and Cate Street Connector Road Development Agreement – **Voted** to approve the requested land swap, and, that the City Manager be authorized to negotiate and execute the development agreement in substantial conformance as presented.
25. Consent Agenda – **Voted** to adopt the Consent Agenda.
- A. Letter from Ron Snow, Arthritis Foundation, requesting permission to hold the 2019 Jingle Bell Run for Arthritis on Sunday, December 1, 2019 at 9:30 a.m. (**Anticipated action – move to refer to City Manager with power**)
 - B. Request for License to Install Projecting Sign for owner Mark McNabb of Martingale, LLC, Martingale Wharf Restaurant for property located at 99 Bow Street (**Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request**)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- C. Request for License to Install Projecting Sign for owner Ken & Lauren Wolf of Portsmouth Soap Company for property located at 175 Market Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- D. Letter from Barbara Massar, Pro Portsmouth, Inc, requesting permission to hold the following events:
- First Night Portsmouth 2020 – Tuesday, December 31, 2019; 4pm – Midnight
 - Children's Day – Sunday, May 3, 2020; Noon – 4pm
 - 43rd Annual Market Square Day & 10K Road Race – Saturday, June 13, 2020; 9am – 4pm
 - 18th Annual Summer in the Street, Saturday evenings – July 4th, July 11th, July 18th, July 25th and August 1st – 5:00pm – 9:30pm
- (Anticipated action – move to refer to the City Manager with power)***

- E. Letter from Debbie Roy, Big Brothers Big Sisters, requesting permission to hold the annual Stiletto Sprint on Saturday, June 20, 2020 from 1pm – 4pm **(Anticipated action – move to refer to the City Manager with power)**
 - F. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 11th annual American Lung Association Cycle the Seacoast ride on Sunday, May 3, 2020 from 7:00 a.m. – 3:30 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- 26. Email Correspondence – **Voted** to accept and place on file.
 - 27. Letter from Jeffrey Cooper regarding the McIntyre Project – **Voted** to accept and place on file.
 - 28. Letter from Jim Splaine regarding the McIntyre Project – **Voted** to accept and place on file.
 - 29. Adjournment – At 10:50 p.m., **voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC
City Clerk